

Appl. No. 10/765,413  
Amdt. dated August 1, 2005  
Reply to Office action of May 5, 2005

## REMARKS

### Restriction Requirement

Applicant affirms the election to prosecute claims 1-20 without traverse.

### 35 U.S.C. § 102

Claims 1-18 and 20 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,584,483 to Sines et al. Applicant respectfully disputes the section 102 rejection.

In order for a reference to anticipate a claim, the reference must disclose or teach each and every limitation recited in the subject claim. As detailed below, Sines fails to disclose at least one limitation in each and every independent claim of the present application.

It is noted that the patent to Sines is assigned to the predecessor company of the instant applicant, VendingData Corporation. Accordingly, VendingData Corporation is the owner of the patent to Sines and the instant application.

Sines discloses a first model of an automatic card shuffler utilizing random ejection technology. Random ejection technology comprises one or more thin blades being randomly positioned and ejected into a stack of playing cards such that one card is ejected from the stack. The process is then repeated until each of the cards, ideally one at a time, from the stack has been re-organized into a shuffled stack. The instant application discloses a shuffler utilizing random ejection technology. However, the independent claims (1, 10, 16 and 18) of the present application recite novel features associated with the random ejection technology. Practically speaking, the present application is directed to a "smart" shuffler utilizing random ejection technology. Therefore, the novel features recited in the present application are not disclosed by Sines.

### Claim 1

Claim 1 recites "selecting a random position corresponding to a single card from the stack of the playing cards," "determining the positional height of the single card within the stack of the playing cards," "aligning the single card and the solenoid," and "firing said solenoid causing the ejector blade to eject the single card from the stack." None of the aforementioned recited elements are disclosed in Sines.

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More particularly, Sines fails to disclose, teach or suggest that the automatic card shuffling device is able to select a single card to eject from a stack of playing cards. Sines discloses only the selection and ejection of a random card from a stack of playing cards. The Examiner is correct that Sines discloses the ability to sense the stack height of the remaining cards in the unit. Thus, by detecting the height of the stack of the playing cards, the shuffler is able to effectively strike cards rather than miss cards by striking dead air. However, such a disclosure does not anticipate the ability of the instant automatic shuffler, as recited in claim 1, to detect and eject a specific card from the stack of playing cards. Claim 1 is supported in at least paragraphs [0049] – [0052] and Fig. 4A of the present application.

Since claim 1 recites one or more limitations not disclosed or taught by Sines, claim 1 cannot be anticipated by Sines. Consequently, as a matter of law, dependent claims 2-9 cannot be anticipated either.

#### **Claim 10**

Claim 10 recites several limitations including "detecting that a number of cards in a card unit does not correspond to a shuffler perceived," "positioning the card input unit below a selected solenoid," "incrementally raising the card input unit in concert with firing the solenoid causing the ejector blade to attempt to at least partially eject a card from a stack until a card is at least partially ejected," "in response to the at least partial card ejection, recording the position of the card stack," and "based on the card stack position, calculating the number of cards remaining in the card input unit." In other words, the entire claim is not disclosed by Sines.

Again, Sines is limited to a random ejection of the cards in a card input unit. Except for the ability to control the position of the stack of playing cards, Sines fails to disclose a "smart" shuffler. That is, a shuffler method of calculating an actual number of cards in the stack in light of possible misfires or multiple cards being ejected. Accordingly, the shuffler is able to accurately account for misfires and multiple cards being ejected by a single blade strike. Claim 10 is supported in at least paragraphs [0055] – [0056] and Fig. 4C of the present application.

Since claim 16 recites one or more limitations not disclosed or taught by Sines,

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claim 16 cannot be anticipated by Sines. Consequently, as a matter of law, dependent claims 11-15 cannot be anticipated either.

#### **Claim 16**

Claim 16 recites "after each activation of the ejector blades, determining whether any cards are in an undesirable orientation in the stack," activating one or more packing arms to properly position any cards in an undesirable orientation," and "determining whether or not the activation of the packer arms properly positioned the cards determined to be in an undesirable position." While Sines discloses straightener arms (302) which serve to pack the cards after the ejection process (Column 11, lines 25-29 and Figs. 11 and 12), Sines does not disclose activating the straightener arms in response to the detection of a card in an undesirable orientation. Sines understood that more than one card could be displaced during the ejection process. Therefore, Sines fashioned the straightener arms to pack the stack of cards after each ejection or multiple ejections. Sines did not, however, have any means to activate the straightener arms only when actually needed (e.g., when a card in the stack is in an undesirable orientation such as partially ejected from the stack). To the contrary, the present application only causes the packer arms to activate when needed as opposed to after each ejection or multiple ejections. Such a design results in a more efficient process.

Since claim 16 recites one or more limitations not disclosed or taught by Sines, claim 16 cannot be anticipated by Sines. Consequently, as a matter of law, dependent claim 17 cannot be anticipated either.

#### **Claim 18**

Claim 18 recites "calculating a speed of one or more cards as they exit the card input unit," "comparing the calculated speed with a minimum threshold speed stored in a shuffling machine memory device," and "in response to the calculated speed being below the minimum threshold speed, notifying the operator that the playing cards need to be replaced." By doing so, the present invention is able to conduct a self-test related to condition of the playing cards and notify the operator when the cards should be replaced. Sines is devoid of any disclosure or teachings related to calculating a card speed upon ejection and comparing the same against a stored threshold speed.

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Since claim 18 recites one or more limitations not disclosed or taught by Sines, claim 18 cannot be anticipated by Sines. Consequently, as a matter of law, dependent claims 18-20 cannot be anticipated either.

### Conclusion

The only true similarity between the instant claims and the disclosure of Sines resides in the random ejection technology. However, as set forth above, Sines fails to disclose or teach the novel features used in combination with the random ejection technology and recited in the independent claims included in the present application. It is respectfully submitted that the application is now in condition for allowance and, accordingly, reconsideration and allowance are respectfully requested. Should any questions remain regarding the allowability of the application, the Examiner is invited to contact the undersigned at the telephone number indicated below.

Respectfully submitted,

Greenberg Traurig  
3773 Howard Hughes Pkwy.  
Suite 500 North  
Las Vegas, Nevada 89109

Telephone : 702-792-3773  
Facsimile : 702 792-9002

By: 

Rob L. Phillips  
Registration No. 40,305

Date: August 1, 2005

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